

36.11.452      TIMBER CONSERVATION LICENSE APPLICATION  
CONDITIONS AND FORMS

(1) The department may offer a timber conservation license as an alternative to the sale and harvesting of timber upon the submittal to the department of a written request to defer the sale of timber.

(2) The department may offer a timber conservation license for all or part of a timber sale.

(3) A notice of intent to request a timber conservation license must occur within 60 days of the sale-scoping announcement. The notice must include a fee from the applicant.

(a) If the conservation license is to include only a portion of the total sale area, the fee will be \$100.

(b) If the timber conservation license encompasses the entire sale area, a fee of \$200 must be included.

(4) In order for the department to comply with its responsibilities pursuant to the Montana Environmental Policy Act and to obtain approval for offering the timber conservation license from the Montana board of land commissioners, an interested party shall, when it seeks the deferral of only a portion of a timber sale, submit to the department within 90 days of the sale-scoping announcement:

(a) a map;

(b) a legal description identifying the sale area to which the timber conservation license would apply; and

(c) all application fees

(d) The map and legal description shall be submitted on a form prescribed by the department.

(5) An application to the department for a conservation license in lieu of a timber sale shall be on a form prescribed by the department.

(a) The application fee for a conservation license in lieu of a timber sale for a portion of a timber sale is \$500.

(b) The application fee for a conservation license in lieu of a timber sale for the entire timber sale is \$200.

(6) The fee identified in (3) submitted with the notice of intent to request a conservation license in lieu of a timber sale shall apply towards the application fee identified in (5)(a) and (b) for a conservation license in lieu of a timber sale.

(7) If the high bidder for the timber conservation license in lieu of a timber sale has a winning bid and is someone other than the applicant, then the successful bidder will be assessed the application fee and the original applicant's fee will be refunded.

-- (8) The applicant for a timber conservation license shall be notified by the department in writing of any deficiencies in the application that make the license unacceptable. The applicant has 15 days from the date of notice to correct the deficiencies and resubmit the application for consideration. An application may be resubmitted only twice. The department maintains the right to reject any resubmitted application<sup>5</sup> if, in the opinion of the department, the deficiencies in the application have not been adequately addressed.

(9) The duration of the timber conservation license shall be determined within the Montana Environmental Policy Act (MEPA) process but shall not in any event exceed the period established in 77-1-204, MCA, with respect to the sale, lease or exchange of state trust land.

(10) The salvage and forest management rights associated with a timber conservation license shall be explicitly identified during the MEPA process. These rights shall be incorporated into the license.

(11) The department's environmental analysis shall consider the proposed timber sale with and without the requested timber conservation license.

(12) The timber conservation license application shall be submitted to the state board of land commissioners for its consideration as part of the sale package. (History: 77-5-201, MCA; IMP, 77-5-208, MCA; NEW, 2003 MAR p. 2874, Eff. 12/25/03.)